

CASE NO.: 50T5549.01
Application No.: 10/648,587
June 27, 2005
Page 9

PATENT
Filed: August 26, 2003

Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-7, 9-15, 17, 20-25, and 27 been rejected for indefiniteness for reciting "Bluetooth", which has been cured by the amendments advanced herein and will not be further discussed. The sole remaining issue is the rejection under 35 U.S.C. §103 of Claims 1-28 as being obvious over McCarthy et al., USPN 6,477,464 in view of Peterzell et al., USPP 2003/0040292.

The fact that Applicant has focused its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, independent Claim 1 has been amended to recite that the transceiver receives vehicle data from at least one vehicle sensor other than the GPS receiver and transmits the vehicle data as shown in figure 1 and described in reference to, e.g., vehicle sensors 29. Independent Claim 23 as now amended requires sending GPS data and vehicle diagnostic information to a wireless transceiver and transmitting the data and information using the transceiver.

In contrast, independent Claims 8, 16, and 26 have been amended differently. More specifically, Claim 8 as now amended requires that the GPS receiver and the transceiver not share any components other than the reference oscillator, as disclosed on page 7, lines 15-17. Amended independent Claim 16 now sets forth one and only one reference oscillator in the housing providing mixing signals to the GPS receiver and the wireless

1166-58.AMD

CASE NO.: 50T5549.01
Application No.: 10/648,587
June 27, 2005
Page 10

PATENT
Filed: August 26, 2003

transceiver, with the receiver and transceiver not sharing a mixer. Amended independent Claim 26 requires that the wireless transceiver means and GPS share a common oscillator and only a common oscillator. Claims 1-5, 7-16, 18-23, and 25-28 remain pending.

Rejections Under 35 U.S.C. §103

Claims 1-28 have been rejected under 35 U.S.C. ' 103 as being unpatentable over McCarthy et al., USPN 6,477,464 in view of Peterzell et al., USPP 2003/0040292. Applicant argues that the examiner has failed to state a prima facie case of obviousness because the combination of these two references does not disclose or suggest all elements in each of Applicant's independent claims.

Of relevance to independent Claims 1 and 23 is the examiner's allegation that McCarthy et al., col. 5, lines 23-57 teaches that the particular Bluetooth receiver in the rear-view mirror that is used to transmit GPS signals also transmits non-GPS vehicle information. It does not. The relied-upon section in McCarthy et al. simply states that the GPS display may be incorporated into various components of various references. It does not appear that the Bluetooth receiver of McCarthy et al. does anything other than transmit GPS signals. Since neither McCarthy et al. nor Peterzell et al. disclose or suggest transmitting both GPS and vehicle information as recited, Claims 1 and 23 are patentable over the combination of these two references.

Turning to independent Claims 8, 16, and 26, the relied-upon circuit of Peterzell et al. uses a common downconversion circuit for all of the input signals from the interface 305, i.e., Bluetooth, GPS, etc., such that

1168-82.AMD

CASE NO.: 50T5549.01
Application No.: 10/648,587
June 27, 2005
Page 11

PATENT
Filed: August 26, 2003

the single downconversion circuit is used for all the signals. The relied-upon LO 350 thus supplies signals to two mixers, but these mixers belong to the common downconversion circuitry and are associated with respective I and Q signal paths of the same mixing circuitry, not with separate transceivers/receivers. Thus, it cannot be said in relation to the circuit of which the LO 350 is a part that the GPS receiver and wireless transceiver do not share any components other than the reference oscillator because to the extent that both are processed by the circuit, they share the mixers 340A, 340B, etc. Similarly, unlike amended Claim 16 it cannot be said of Peterzell et al. that one and only one reference oscillator is in the housing for providing mixing signals to the GPS receiver and the wireless transceiver, with the receiver and transceiver not sharing a mixer. Likewise, concerning Claim 26 it cannot be said in relation to Peterzell et al. that the wireless transceiver means and GPS share a common oscillator and only a common oscillator.

To the extent that separate "Bluetooth or GPS direct downconverter" 390 is shown in Peterzell et al., it is noted that this component receives no signal from the relied-upon LO 350.

In essence, Peterzell et al. fails to make the critical recognition reflected in varying degrees in (but beyond the language of the claims not otherwise limiting on) Claims 8, 16, and 26 and divulged on page 7, last paragraph of the present specification that by using only a common oscillator, off-the-shelf GPS and Bluetooth transceivers may be used and housed on a single module without unduly modifying either receiver (typically implemented from the manufacturer on a chip), while conserving parts and space in that only one reference oscillator is used. For this reason, not only would combining the references as proposed not arrive at amended Claims 8, 16, and

1166-88.AMD

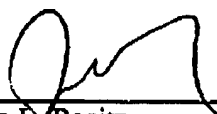
CASE NO.: 50T5549.01
Application No.: 10/648,587
June 27, 2005
Page 12

PATENT
Filed: August 26, 2003

26, but only the present specification has provided the motivation to do so.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168-82.AMD